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SCHWABE, WILLIAMSON & WYATT, P.C.  
PACWEST CENTER, SUITE 1900  
1211 SW FIFTH AVENUE  
PORTLAND, OR 97204

EXAMINER

DAS, CHAMELI

ART UNIT PAPER NUMBER

2192

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/318,438

Applicant(s)

PITZEL ET AL.

Examiner

CHAMELI C. DAS

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30,32-39,41-48,51-54 and 57-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30,32-39,41-48,51-54 and 57-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. This action is in response to the amendment filed on 4/19/04.
2. Claims 31, 40, 49-50 and 55-56 have been canceled.
3. Claims 57-64 have been added.
4. Claims 1-4, 6, 10—13, 17, 19-20, 32-39, and 41 have been amended.
5. Claims 1-30, 32-39, 41-48, 51-54 and 57-64 are currently pending.
6. Claims 1-30, 32-39, 41-48, 51-54 and 57-64 have been rejected.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-2, 5-6, 9, 12-13, 19, , 25, 27-29, 32, , 37-39, 41, 44, 46, 57-59, and 61 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

***In claim 1:***

In line 3, recites “the upgrade”. There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as “upgrade”.

In line 10, recites “the execution”. There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as “an execution”.

In line 10, recites “the first one software component”. There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as “the first software component”.

**In claim 2**, line 3, recites "said first one or more software components". There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as "said first software component".

**In claim 5**, line 3, recites "the contents". There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as "content".

**In claim 6**, line 2, recites "the contents". There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as "content".

**In claim 9**, line 2, recites "the existence". There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as "an existence".

**In claim 12**, line 3, recites "said first one or more components". There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as "said first software component".

**In claim 13**, line 14, recites "the location". There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as "a location".

**In claim 19**, lines 11-12, recites "the location". There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as "a location".

**In claim 19**, line 13, recites "the type". There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as "a type".

**In claim 25**, line 2, recites "the contents". There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as "content".

***In claim 27***, line 2, recites "the computer". There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as "the client computing device".

***In claim 28***, line 3, recites "the computer". There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as "the client computing device".

***In claim 29***, line 2, recites "the computer". There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as "the client computing device".

***In claim 32***, line 6, recites "the system condition". There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as "system conditions".

***In claim 37***, line 2, recites "the contents". There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as "content".

***In claim 38***, line 12, recites "the contents". There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as "content".

***In claim 38***, line 13, recites "the type". There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as "a type".

***In claim 38***, lines 14-15, recites "the upgrade request". There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as "a upgrade request".

***In claim 39***, lines 6-7, recites "the location". There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as "a location".

***In claim 39***, line 10, recites "the identified component". There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as "an identified component".

***In claim 39***, line 11, recites "the operating system". There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as "an operating system".

***In claim 41***, line 6, recites "the upgrade". There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as "upgrade".

***In claim 41***, lines 9-10, recites "the operating system". There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as "an operating system".

***In claim 44***, line 4, recites "stopping the identification step". There is no "identification step" in the previous claims. This limitation is interpreted as "stopping an identification step".

***In claim 46***, line 2, recites "the contents". There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as "content".

***In claim 57***, line 14, recites "the system resource condition". There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as "system resource condition".

***In claim 57***, line 15, recites “the information”. There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as “an information”.

***In claim 57***, line 19, recites “the location”. There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as “a location”.

***In claim 58***, lines 1-2, recites “the contents”. There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as “content”.

***In claim 59***, line 15, recites “the location”. There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as “a location”.

***In claim 59***, line 17, recites “the requested one or more operating system”. There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as “a requested one or more operating system”.

***In claim 59***, line 18, recites “the streaming media components”. There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as “streaming media components”.

***In claim 61***, line 12, recites “the contents”. There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as “content”.

***In claim 61***, line 13, recites “the type of operating system”. There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as “a type of operating system”.

***Claim Objections***

8. Claim 44 is objected to because of the following informalities: claim 44 depends on claim 42 but claim 42 does not have the limitation "expiration time", claim 43 recites about "expiration time". Claim 44 should be depend on claim 43 not claim 42.

Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 1, 19-20, 32, 38, 41 and 58 are rejected under 35 U.S.C. 101 for failing to be concrete and tangible. The Examiner has suggested one way to overcome this rejection below:

***Claim 1:***

In line 1: A computer implemented method

***Claim 19:***

In line 1: A computer implemented system

***Claim 20:***

In line 1: A computer implemented system, executing on a computer

***Claim 32:***

In line 1: A computer implemented method, executing on a computer



**Claim 38:**

In line 1: A computer implemented system

**Claim 41:**

In line 1: A computer implemented method

**Claim 58:**

In line 1: A computer implemented system

**Claim Rejections - 35 USC § 102**

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-2, 5-12, 13-14, 16--21, 33, , 24-30, 36-39, 41-42, 45-48, 51-54, 57-58, and 61-62 are rejected under 35 U.S.C. 102(e) as being anticipated by Cheng, US 6,151,643.

***As per claim 1, Cheng discloses:***

- a method of selecting software components for installation on a client computing device (Abstract)
- receiving from the client computing device, a request for the upgrade of a first software components capable of being processed by the client computing device (col 5, lines 19-32), where the "software products" which the clients or users are interested is the "first software component"
- receiving configuration information regarding a software configuration of the client computing device (col 5 lines 30-33)
- including information regarding at least one additional software component that is necessary for the execution of the first software component... missing from the client (col 3, lines 12-25), "the software update information includes a format description associated with the specific installation programs or actions" is the "additional software component" and it is provided by the "network location" which are in the URL (col 3 lines 13-17), clearly indicates that this particular software component is not in the client computing device.
- Identifying a second one or more software components for installation on the client computing device ... client computing device (col 3, lines 1-24), where the "installation program/information" is the second one or more software component as claimed
- transmitting the second one or more software components to the client computing device (col 19, lines 55-67, col 20 lines 1-18).

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**Claim 20 is the system** claim corresponding to the method claim 1, and rejected under the same reason set forth in connection of the rejection of claim 1 and further Cheng discloses a type of operating system that is executing on the client computer (col 5 lines 10-14, col 13 lines 20-45, col 8 lines 32-40).

For claim 32, see the rejection of claim 1 above and further Cheng discloses the operating system that is executing on the computer (col 5 lines 2-17, col 5 lines 20-45).

**As per claims 2, 21, 33, Cheng discloses:**

- receiving a configuration file ... said first software component (col 19 lines 50-67).

**As per claims 5-7, 24-25, 36-37 Cheng discloses:**

- reading only an identifier in the configuration file (col 11, lines 38-46, "The product locator table 803 ... in the system configuration file")
- sending at a portion ... component server (col 6 lines 24-26, col 7 lines 55-56).

**As per claims 8, 26** (Cheng, col 4 lines 51-59).

**As per claims 9, 27** (Cheng, col 13 lines 40-42).

**As per claims 10, 28,** (Cheng, col 13 lines 40-42).

**As per claims 11, 29,** (Cheng, col 10 lines 4-5).

**As per claims 12, 30,** (Cheng, abstract, lines 7-17, col 17 lines 40-42).

**As per claim 13, Cheng discloses:**

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- a first computer having one or more system resources ( Fig 2 and col 5, lines 38-40)

- second computer ... one or more components form the first computer (Fig 1, abstract lines 1-17, col 5 lines 19-30), where "request for email notification" inherently including "equipped to receive a request" as claimed
- configuration file ... to be upgraded (col 13, lines 40-42)
- configuration file identifying ... component (abstract lines 7-12)
- an upgrade manager ... executing on the first computer (col 5 lines 2-17, abstract lines 7-9 , col 8 lines 32-40, col 13 lines 25-45).

***As per claim 14*** (Cheng, col 5 lines 2-6).

***As per claim 16*** (Cheng, col 5 lines 10-15).

***As per claim 17*** (Cheng, col 20, lines 4-12).

***As per claim 18*** (Cheng, Abstract, lines 4-7).

***As per claim 19, Cheng discloses:***

- a client computing device .. executing on the client computing device (abstract , col 8 lines 55-61, col 13 lines 25-45, col 8 lines 32-40.)

***As per claim 38,*** Cheng teaches client computing device having processor, computer readable storage, data communication is shown in col 13 lines 1-16, including the type of operating system that is executing on client computing

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device (col 13 lines 25-45), the upgrade manager transmitting ... client computing device (col 13 lines 25-45, col 5 line 18-32, col 7 lines 61-67, col 8 lines 1-32). For the rest of the limitations see the rejection of claims 13 and 19 above.

**For claim 39, (Fig 7).** For the rest of the limitations see the rejection of claims 13 and 19 above.

**As per claim 41, Cheng discloses:**

- determining one or more client conditions regarding the computer (col 17 lines 40-55)
- the client condition ... computer (col 5 lines 19-32, col 8 lines 32-40)
- transmitting the request ... client condition (col 8 lines 32-40, col 19 lines 50-55, col 17 lines 40-42)
- receiving the requested component .. executing on the computer (col 5 lines 16-32)
- installing one or more ... the computer (col 5 lines 7-30, col 18 lines 42-45).

**As per claim 42, Cheng discloses:**

- receiving a configuration ... components (col 18, lines 16-45).

**As per claims 45-46, ( Cheng, col 10 lines 55-60, col 10, lines 17-18).**

**As per claims 47, 51, 53 (Cheng, col 7 lines 12-25).**

**As per claims 48, 52 and 54 (Cheng, col 6 lines 51-62).**

**As per claim 57 Cheng discloses:**

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- a client computer operative to execute ... computer readable storage medium  
(Abstract, col 7 lines 45-54, col 13 lines 25-30)
- a server computer communicatively ... from the client computer (col 9 lines 56-67, col 1 lines 1-10, col 17 lines 40-55, abstract)
- a configuration file stored at the server computer ... to be upgraded (Fig 7, col 17 lines 25-55, col 18 lines 15-35)
- upgrade manager executing on the client computer ... client computer  
(Abstract, col 3 lines 25-39)
- an upgrade handler executing ... client computer (abstract, col 2 lines 61-67, col 3 lines 1-60, col 5 lines 2-17, col 8 lines 32-40, col 13 lines 25-45).

***As per claim 58 Cheng discloses:***

- - upgrade manager parses ... upgrade handler (col 5 lines 6-15, col 19 lines 61-66, col 20 lines 1-12).

***As per claim 61, Cheng discloses:***

- a processor... data communication subsystem (col 9 lines 56-67, col 10 lines 1-14)
- an upgrade manager ... available for download (col 13 lines 25-45, col 5 lines 18-32, col 7 lines 61-67, col 8 lines 1-32)
- store the configuration file ... client computing device (col 9 lines 56-67, col 10 lines 1-12)
- generate a upgrade request ... client computing device (col 9 lines 56-67)

- transmit the upgrade request ... executing on the client computing device (col 2 lines 18-30, col 13 lines 30-45).

***For claim 62, Cheng discloses:***

- one or more of a plurality of server ... configuration file (col 14, lines 38-65).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4, 15, 22-23, 31, 34-35, 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng et al (Cheng), US 6,151,643 and further in view of official notice taken by the Examiner.

As per claims 3-4, 15, 22, 23, 34, 35, Cheng discloses determining the software with associated file date (col 18, lines 49-54) and Cheng discloses that the version information of the configuration file (col 4 lines 58-60) and the software components which are out of date (col 14 lines 1-5). Cheng does not specifically disclose expiration time. However official notice is taken for expiration date and if the file expired stop action (stop downloading the out of date version). The modification would be obvious

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because one of the ordinary skill in the art would be motivated to avoid the old version and install the current version of the software in the system.

For the rest of the claims see the rejection in the previous office action with the rejection above.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 59-60, 63-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng et al (Cheng), US 6,151,643 and further in view of Kenner et al (Kenner), US 6,314,565

As per claim 3, Cheng does not specifically disclose configuration file contains expiration time. However, Kenner discloses expiration time with the configuration file (col 6, lines 60-67), where "script file" is the configuration file (abstract). The modification would be obvious because one of the ordinary skill in the art would be motivated to avoid the old version and install the current version of the software in the system.

***As per claim 59 Cheng discloses:***

- a system for installing one or more files on a client computing device  
(abstract)



- a client computing device ... executing on the client computing device  
(abstract, col 3 lines 40-60, col 10 lines 1-25)
- a configuration ... upon request (abstract, col 5 lines 30-33, col 9 lines 56-65)
- a component server from receiving request ... executing on the client  
computing device (abstract, col 2 lines 61-67, col 3 lines 1-60, col 5 lines 2-  
17, col 8 lines 32-40, col 13 lines 25-45).

Cheng does not specifically disclose streaming media. However, Kenner disclose installing one or more streaming media transmit and install on a client computer (Kenner, col 4 lines 26-67). The modification would be obvious because one of the ordinary skill in the art would be motivated to deliver information in a steady flow the recipient can access as the file is being transmitted.

**For claim 60** (Kenner, col 4 lines 54-65). The modification would be obvious because one of the ordinary skill in the art would be motivated to deliver information in a steady flow the recipient can access as the file is being transmitted.

**For claim 63**, Cheng discloses one or more components for which an upgrade is available for download (col 14 lines 30-65, col 15 lines 1-30). Cheng does not specifically disclose streaming media. However, Kenner disclose installing one or more streaming media transmit and install on a client computer (Kenner, col 4 lines 26-67). The modification would be obvious because one of the ordinary skill in the art would be motivated to deliver information in a steady flow the recipient can access as the file is being transmitted.

**For claim 64**, (Kenner col 4 lines 26-67).

**13. For the rest of the claims see the rejections in the previous office action with the current rejection above.**

***Response to the Arguments***

14. Applicant's argument filed on 4/19/04 has been fully considered but they are not persuasive. In remarks, the applicant argues in substance:

**(1) Cheng does not disclose "additional software components that is necessary for execution of the software components that is missing from the client computer".**

***Response:***

(1) Cheng discloses the above limitation in (col 3 lines 21-24, "In addition, the software update information includes a format description associated with specific installation programs or actions needed to install the software update"), where " the software update information includes a format description associated with the specific installation programs or actions" is the "additional software components" and it is provided by the "network location" which are in URL (col 3 lines 13-17), clearly indicates that this particular software component is not in the client computing device.

**(2) Cheng does not teach or suggest determining the type of operating system that is executing on the client machine so as to identify the correct version of a requested component".**

***Response:***

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(2) The above limitation is not in claim 13, 19, 20, 32, 38, 39, or 41. As per claim limitation, Cheng discloses "indication of components of an operating system that is executing in the first computer" (col 8 lines 32-43), where client application confirm installation and provides "installation information, such as installation programs, files and the like" which are the "**indication of components of an operating system**" and these are executing on the client computer (col 8 lines 37-40, "**the client application downloads the software update, along with installation information, such as installation program, files, and the like**"). **Cheng also discloses to identify the methods of operating system and determine which software products are installed there on (Cheng, col 11 lines 5-30).** Thus Cheng discloses the indication of components of an operating system which are executes in the first computer as claimed.

(3) **For all other claims, see the previous rejection and the rejection above.**

(4) **Applicant has challenged the official notice taken by the Examiner regarding the limitation "determining expiration time and stopping the action step".**

**Response:**

(4) The Examiner has provided the prior art to support this official notice. Cheng discloses that the version information of the configuration file (col 4 lines 58-60) and the software components which are out of date (col 14 lines 1-5). Cheng does not specifically disclose expiration time. However, Kenner (US 6314565) discloses configuration file contains expiration time. (Kenner, col 6 lines 60-67), where "script file"

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is the configuration file (abstract), if the version is expired stop installation of the old version and installed the current version (Kenner, col 6 lines 55-67 and col 1-15). The modification would be obvious because one of the ordinary skill in the art would be motivated to avoid the old version and install the current version of the software in the system.

### ***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. The prior art made or record an not relied upon is considered pertinent to applicant's disclosure.

TITLE: Distribution of software updates via a computer network, US 6199204 B1

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TITLE: Secure data downloading, recovery and upgrading, US 6341373 B1

TITLE: Method and a mechanism for synchronized updating of interoperating software,  
US 6202207 B1

TITLE: System and method for software licensing, US 6189146 B1

TITLE: Automatic error recovery in data processing systems, US 5978911 A

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli Das whose telephone number is 571-272-3696.

The examiner can normally be reached on Monday-Friday from 7:00 A.M. to 3:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Tuan Dam can be reached at 571-272-3695. The fax number for this group is 571-273-8300.

An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 571-272-2100.

*Chameli C. Das*  
**CHAMELI C. DAS**  
**PRIMARY EXAMINER**  
*7/8/05*